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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/768,407	01/24/2001	Christopher Alen Bowler	60,469-030; OT-4798	4806
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26096 7590 09/06/2006

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EXAMINER

FISHER, MICHAEL J

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/768,407	Applicant(s) BOWLER ET AL.	
	Examiner Michael J. Fisher	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-4,7-9,11-13 and 16-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,7-9,11-13 and 16-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-3,7-9,11-13 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PAT 6,859,768 to Wakelam et al. (Wakelam).

As to claim 1, Wakelam discloses a system using a computer (title) with a design module that facilitates automatically developing elevator system design information based upon a selected kind of information provided by the user (col 13, line 66-col 14, line 4), a communication module that facilitates interaction between an user and the design module (claim 1, preamble). Wakelam discloses automatically developing elevator design information, automatically developing elevator design based on passenger traffic information (col 13, line 67-col 14, line 2) and developing design

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information based on elevator characteristics (col 13, lines 58-62). Wakelam does not, however, teach using a separate module for each task or allowing user from outside the company to use the system. It would have been obvious to one of ordinary skill in the art to use a module for each element as the rules are different for each scenario. It further would have been obvious to one of ordinary skill in the art to allow outside users to use the system to allow various users to use the system as Wakelam discloses using the system to build an entire building, therefore, it would have been obvious to allow an elevator company to design the elevators while the builders of the building would give their input as to the design of the elevators and any other systems that are built by specialists, such as the heating ductwork or the electrical grid.

As to claim 2, Wakelam discloses the communication module as being operative to guide the user to select from a plurality of system information and facilitates providing the information by the user to the design module (claim 1, col 27, line 34-44).

As to claim 3, Wakelam discloses generating pricing information (claim 9).

As to claims 7 and 16, it would be inherent that there would be a plurality of elevator system components (such as number and placement of emergency telephones, whether to require one or two banks of floor buttons), as these are required by codes.

As to claims 8 and 17, Wakelam discloses providing plurality of design building classification choices and automatically provides the design information (claim 1, also in figs 2d, 2e, and 2f).

As to claims 9 and 18, Wakelam discloses hoistway dimensional information provided by the user and responsively automatically provides information (col 13, lines 58-62).

As to claims 11 and 13, Wakelam discloses the system as being open to a plurality of users (abstract, lines 3-10), and further, it is very well known in the art to connect computers to the Internet. Therefore, it would have been obvious to one of ordinary skill in the art to connect the system as disclosed by Wakelam by connecting the computer to the Internet, and thereby be at a remote location, as this would allow the software to work on a server and would therefore speed up the workstation and thereby save money and further, allow the plurality of users to access the system at the same time. There would inherently be a communication module (modem) that "facilitates" communication. As there is shown to be a choice of designs, this would inherently mean that there is a set of instructions to allow this.

As to claim 12, the system provides the design information in the form of a drawing (abstract, lines 25-26).

As to claim 19, Wakelam further teaches providing a user a list of components that would be suitable for the elevator (col 14, lines 2-4, wherein pits, shafts, elevator car width are considered to be components, see also, figs 2d and 2e)

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wakelam as applied to claims 1-3,7-9,11-13 and 16-18 above, and further in view of US PAT 6,161,082 to Goldberg et al. (Goldberg).

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Wakelam discloses a system as discussed above. Wakelam does not, however, teach a translation module. Goldberg discloses a translation module (title). It would have been obvious to one of ordinary skill in the art to modify the system as disclosed by Wakelam with the translation module as disclosed by Goldberg so that the system could be used by users who speak different languages.

Response to Arguments

Applicant's arguments filed 6/26/06 have been fully considered but they are not persuasive. As discussed in the above rejection in relation to claim 19, Wakelam does teach elevator components. As to allowing an outside user to access the system, this would be obvious considering the number of different components needed to build a building (elevators, heating ducts, electrical grid, etc.).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any


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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Fisher whose telephone number is 571-272-6804. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MF: 
3/19/06


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